

Remarks/Arguments

35 U.S.C. §103

Claims 1-8, 10-19, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kendall (U.S. Pub. No. 2006/0156332 A1) (“Kendall”), in view of Ganzer et al. (U.S. Patent No. 5,121,430) (“Ganzer”), in view of Fallon et al. (U.S. Patent No. 2003/0107494 A1) (“Fallon”). Applicant will traverse as though the rejection above was intended for claims 1-27, based on Examiner’s apparent intent from the body of the rejection.

It is respectfully asserted that none of Kendall, Ganzer, or Fallon, alone or in combination, disclose:

“processing means for enabling [an] audio output device associated with said apparatus responsive to activation of said emergency alert function if said audio output device has been disabled via said interface means,”

as described in previously amended claim 1.

Among the problems addressed by the present invention is the inability to alert a user of an impending emergency event when a device containing an emergency alert function is misconfigured. For instance, a user may not receive emergency alerts if the audio output function associated with a set top box containing emergency alert functionality is disabled. To address this problem, the present invention discloses methods and an associated apparatus for tuning signals, including emergency alert signals capable of activating an emergency alert function, and enabling a disabled audio output device associated with the apparatus responsive to activation of said emergency alert function, where the audio output device had previously been disabled by a user through an interface. Thus, even if the user has disabled an audio alert device, the system may reenable it to provide the emergency alert.

In contrast, Kendall merely teaches a system where “a television signal receiver receives and stores updated information associated with an emergency alert function, such

as geographical area information and/or transmission frequency information. According to an exemplary embodiment, the television signal receiver includes a tuner operative to tune a frequency including emergency alert signals indicating an emergency event, and a memory operative to receive and store updated information associated with the emergency alert function.” (Kendall Abstract)

As admitted in the Office Action, Kendall “fails to disclose the use of enabling a disabled apparatus.” (Office Action, page 2) Furthermore, while Kendall describes providing the ability to enable or disable the emergency alert function (see Kendall paragraph 0026), it does not describe providing an interface for enabling or disabling an audio output device that can then be re-enabled by the emergency alert function, and would therefore fail to solve the problem addressed by the present invention. Therefore, Kendall fails to disclose “processing means for enabling [an] audio output device associated with said apparatus responsive to activation of said emergency alert function if said audio output device has been disabled via said interface means,” as described in currently amended claim 1.

Ganzer teaches “a geographically specific emergency alert system includes a code generator unit in which geographic areas to be alerted and types of severity of alerts are selected and code strings generated to represent the affected areas and alert types selected. The code strings are broadcast by modulating the audio carrier of a television signal and received on receiver units positioned in areas within the broadcast market of a television station providing the alerting service. Location codes or entered into the receiver units by the users according to the areas in which the receiver units are used. When an alert is broadcast, each receiver unit decodes a location code string in the signal. If it matches that set on the receiver, an alert code string is decoded to activate a alarm devices connected to the receiver, such as an audible alarm generator, LED, etc., in accordance with the type or severity of alert that was broadcast.” (Ganzer Abstract)

Ganzer does not describe, nor does the Office Action assert that it describes, control of disablement of an audio device via an interface or re-enablement of such a device by an emergency alert function. Therefore, Ganzer, like Kendall fails to disclose “processing

means for enabling [an] audio output device associated with said apparatus responsive to activation of said emergency alert function if said audio output device has been disabled via said interface means,” as described in currently amended claim 1.

Fallon teaches methods “for controlling the enabling and/or disabling of an audio alarm that indicates an occurrence of a predetermined event of a power supply, such as an uninterruptible power supply (UPS). In one embodiment of the invention, the method includes programming the UPS to enable the audio alarm of the power supply during a first predetermined time period, and programming the UPS to disable the audio alarm of the power supply while the power supply is still operational during a second predetermined time period. In embodiments of the invention, the system is able to enable and disable an audio alarm during specified time periods of the day. Thus, a user can use the system to designate when an alarm will not sound so as not to disturb the user or others at an inconvenient time.” (Fallon Abstract)

The Examiner asserts: “Fallen [sic] discloses on (figure 2) **automatically disabling the audio alarm** of the power supply while it is still operational. Fallen [sic] **shows how an operator disables an audio output** of an interface at any given time thus could have been disabled.” (emphasis added) The present claims, however, describe enabling a previously disabled device, not simply providing the means for a user to disable an audio output device. Furthermore, the present claims describe enabling the output responsive to activation of an emergency alert function, not via a manual operation by the operator as in Fallon. The present invention is intended to address the problem of enabling audio when the operator specifically has disabled the audio output. Also, Fallon allows the user to “designate when an alarm will not sound so as not to disturb the user or others at an inconvenient time,” whereas the present invention is directed at overriding such a user designation. Thus, Fallon fails to address the problem addressed by the present invention, and the methods disclosed by Fallon neither solve the problem nor reflect the means for enabling the audio output described in the present claims.

Therefore, Fallon, like Ganzer and Kendall, also fails to disclose “processing means for enabling [an] audio output device associated with said apparatus responsive to

activation of said emergency alert function if said audio output device has been disabled via said interface means," as described in currently amended claim 1.

In view of the above remarks and amendments to the claims, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Kendall, Ganzer, or Fallon, alone or in combination, that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that currently amended independent claims 10 and 19 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-9, 11-18, and 20-27 are dependent from allowable independent claims 1, 10, and 19, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to
Deposit Account 07-0832.

Respectfully submitted,

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